

1 BRIAN M. BOYNTON
2 Acting Assistant Attorney General
3 JAMES G. TOUHEY, JR.
4 Director, Torts Branch
5 PHILIP D. MACWILLIAMS
6 Trial Attorney
7 THEODORE W. ATKINSON
8 Trial Attorney
9 E-mail: phil.macwilliams@usdoj.gov
10 U.S. Department of Justice
11 Civil Division, Torts Branch
12 175 N Street, NE
13 Room 11-1330
14 Washington, DC 20530
15 Telephone: (202) 616-4285
16 Facsimile: (202) 616-5200
17 Attorneys for the United States of America

12
13 **IN THE UNITED STATES DISTRICT COURT**
14 **FOR THE DISTRICT OF ARIZONA**

14 C.M., on her own behalf and on behalf of her
15 minor child, B.M.; L.G., on her own behalf and
16 on behalf of her minor child, B.G.; M.R., on her
17 own behalf and on behalf of her minor child,
18 J.R.; O.A., on her own behalf and on behalf of
19 her minor child, L.A.; and V.C., on her own
20 behalf and on behalf of her minor child, G.A.,

21 Plaintiffs,

22 v.

23 United States of America,

24 Defendant.

No. 2:19-CV-05217-PHX-SRB

**SECOND STIPULATED
MOTION TO HOLD
ACTION IN ABEYANCE**

25 A.P.F. on his own behalf and on behalf of his
26 minor child, O.B.; J.V.S. on his own behalf and
27 on behalf of his minor child, H.Y.; J.D.G. on his
28 own behalf and on behalf of his minor child,
M.G.; H.P.M. on his own behalf and on behalf of
his minor child, A.D.; M.C.L. on his own behalf

No. 2:20-CV-00065-PHX-SRB

1 and on behalf of his minor child, A.J.; and R.Z.G.
2 on his own behalf and on behalf of his minor
3 child, B.P.,

4 Plaintiffs,

5 v.

6 United States of America,

7 Defendant.

8 The parties jointly move the Court for an order holding this action in abeyance
9 for an additional period of thirty (30) days while the parties continue to discuss
10 settlement. In support of this motion, the parties respectfully state the following:

11 The parties have engaged in discussions relating to the potential settlement of
12 the above-captioned actions. In order to more fully focus their attention on these
13 settlement efforts, on April 19, 2021, the parties requested that this action, including
14 all proceedings and case deadlines, be held in abeyance for a period of fourteen (14)
15 days, during which the parties agreed to meet and continue the settlement discussions.
16 The parties proposed that, at the close of this 14-day abeyance period, the parties may,
17 depending on the progress of the settlement discussions, seek an additional abeyance
18 from the Court to facilitate further settlement discussions. If an additional abeyance
19 was not sought, the parties requested that any existing deadlines be reset for fourteen
20 (14) days from the current deadlines. *C.M.* ECF 101; *A.P.F.* ECF 98.

21 On April 20, 2021, the Court granted the parties' motion for an abeyance,
22 ordering that these actions are to be held in abeyance for a period of fourteen (14)
23 days, until May 3, 2021, at which time the parties will advise the Court whether an
24 additional abeyance is sought or, if not, all existing deadlines will be extended by
25 fourteen (14) days. *C.M.* ECF 102; *A.P.F.* ECF 98.
26
27
28

1 Based on the progress to date of the settlement discussions, the parties
 2 respectfully move the Court for an order holding this action, including all proceedings
 3 and case deadlines, in abeyance for an additional period of thirty (30) days, for the
 4 parties to continue to focus their attention on these settlement efforts. The parties
 5 propose that, at the close of this additional 30-day abeyance period, the parties may,
 6 depending on the progress of the settlement discussions, seek an additional abeyance
 7 from the Court to facilitate further settlement discussions. If an additional abeyance is
 8 not sought, the parties request that any existing deadlines be reset for an additional
 9 thirty (30) days—thus a total of forty-four (44) days—from the current deadlines.

10 Counsel for Plaintiffs and the United States have conferred regarding this
 11 request and agreed to jointly move the Court to hold this action in abeyance. The
 12 party submitting this motion has obtained the permission of all signatories hereto. A
 13 proposed Order is submitted herewith.

14 Respectfully submitted this 3rd day of May, 2021.

16 BRIAN M. BOYNTON
 17 Acting Assistant Attorney General
 18 JAMES G. TOUHEY, JR.
 19 Director, Torts Branch

20 s/ Phil MacWilliams
 21 PHILIP D. MACWILLIAMS
 22 Trial Attorney
 23 D.C. Bar No. 482883
 24 THEODORE W. ATKINSON
 25 Trial Attorney
 26 D.C. Bar No. 458963
 27 E-mail: phil.macwilliams@usdoj.gov
 28 U.S. Department of Justice
 Civil Division, Torts Branch
 Benjamin Franklin Station, P.O. Box 888
 Washington, DC 20044
 Telephone: (202) 616-4285

Attorneys for the United States of America

1
2 COPPERSMITH BROCKELMAN
3 PIC
4 Keith Beauchamp (012434)
5 D. Andrew Gaona (028414)
6 2800 N. Central Avenue, Suite 1900
7 Telephone: (602) 381-5490
8 Phoenix, AZ 85004
9 kbeauchamp@cblawyers.com
10 agaona@cblawyers.com

11 SOUTHERN POVERTY LAW
12 CENTER
13 Norma Ventura*
14 Gillian Gillers
15 James Knoepp*
16 P.O. Box 1287
17 Decatur, GA 30031
18 Telephone: (404) 521-6700
19 norma.ventura@splcenter.org
20 gillian.gillers@splcenter.org
21 jim.knoepp@splcenter.org

22 SOUTHERN POVERTY LAW
23 CENTER
24 Paul R. Chavez*
25 P.O. Box 370037
26 Miami, FL 33137
27 Telephone: (786) 347-2056
28 paul.chavez@splcenter.org

s/ Terra Fulham

COVINGTON & BURLING LLP
Matthew Schlesinger*
Jason Carey*
Teresa Park*
Terra White Fulham*
One CityCenter, 850 Tenth Street, NW
Washington, DC 20001-4956
Telephone: (202) 662-5581
mschlesinger@cov.com
jcarey@cov.com
tpark@cov.com
tfulham@cov.com

COVINGTON & BURLING LLP
Jessica R. Hanson*
1999 Avenue of the Stars, Suite 3500
Los Angeles, CA 90067-4643
Telephone: (424) 332-4800
jhanson@cov.com

Attorneys for A.P.F. Plaintiffs

Jonathan H. Feinberg*
Kairys, Rudovsky, Messing,
Feinberg & Lin LLP
The Cast Iron Building
718 Arch Street, Suite 501
South
Philadelphia, PA 19106
215-925-4400
jfeinberg@krlawphila.com

Mark Fleming*
National Immigrant Justice Center
224 S. Michigan Ave., Suite 600
Chicago, IL 60604
312-660-1370
mfleming@heartlandalliance.org

R. Stanton Jones*
Emily Reeder*
Arnold & Porter Kaye Scholer LLP
601 Massachusetts Avenue, NW
Washington, DC 20001
202-942-5000
stanton.jones@arnoldporter.com
emily.reeder@arnoldporter.com

David B. Rosenbaum
Emma J. Cone-Roddy
OSBORN MALEDON, P.A.
2929 North Central Avenue, 21st Floor
Phoenix, Arizona 85012-2793

s/ Diana Reiter

Diana E. Reiter*
Erik Walsh*
Lucy McMillan*
Harry Fidler*
Mark Osmond*
Kaitlyn Schaeffer*
Arnold & Porter Kaye Scholer LLP
250 West 55th Street
New York, New York 10019-9710
212-836-8000
diana.reiter@arnoldporter.com
erik.walsh@arnoldporter.com
lucy.mcmillan@arnoldporter.com
harry.fidler@arnoldporter.com
mark.osmond@arnoldporter.com
kaitlyn.schaeffer@arnoldporter.com

Trina Realmuto*
Mary Kenney*
National Immigration Litigation Alliance
10 Griggs Terrace
Brookline, MA 02446
617-819-4447
Trina@immigrationlitigation.org
Mary@immigrationlitigation.org

Katherine Melloy Goettel*
Emma Winger*
American Immigration Council
1331 G Street NW, Suite 200
Washington, DC 20005
202-507-7552
kgoettel@immcouncil.org
ewinger@immcouncil.org

Attorneys for C.M. Plaintiffs

* *Admitted pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2021, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all CM/ECF registrants.

s/ Philip D. MacWilliams
PHILIP D. MACWILLIAMS
Attorney for United States of America